

Safety and Health Codes Board Meet

On May 24, 2005, the Safety and Health Codes Board met and made decisions concerning the following Agenda items:

1) **Re-adoption: Proposed Regulation Governing Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**

During its meeting on August 3, 2004, the Safety and Health Codes Board (“the Board”) adopted a proposed regulation governing the financial responsibility of Boiler and Pressure Vessel Contract Fee Inspectors. That proposed regulation was not approved by the Department of Planning and Budget (DPB), which reviews and approves all regulations to be promulgated. DPB determined that the proposed regulation failed to take into account the type, capacity and number of boilers inspected in determining “market share” as well as grammatical and technical deficiencies.

On May 24, 2005, the Board adopted an amended proposed regulation and rescinded the previous version adopted at the August 3, 2004 meeting. The revised proposed regulation changed none of the intent of the original proposed regulation which required contract fee inspectors operating in the Commonwealth to demonstrate financial responsibility for bodily injury and property damage resulting from, or directly relating to, an inspector’s negligent inspection or recommendation for certification of a boiler or pressure vessel. As before, financial responsibility in the form of insurance, guaranty, surety, or self-insurance will be required as follows:

Aggregate limits of \$500,000 for any contract fee inspector with less than 1% market share; \$1 million for those with 1% up to and including 10% market share; and \$2 million for those with more than 10% market share or any contract fee inspector that employs or has an arrangement with other contract fee inspectors.

Major changes in this revision include an amended definition of “market share” and the addition of a definition for “contract fee inspection agency.” Further clarified is the coverage when a contract fee inspector is working for a contract fee inspection company, as well as to how the aggregate limits apply to contract fee inspection companies. Minor changes correct errors of grammar and punctuation.

2) **Methylenedianile in Construction, §1926.60, Final Rule; Correction**

The Safety and Health Codes Board adopted a correction to the Methylenedianile (MDA) in Construction in §1926.60 (e)(1)(iii) to cross reference the final rules entitled, “Emergency Action Plans,” §1910.38, and Fire Prevention Plans,” §1910.39. This correction finally made MDA in Construction consistent with the revised language in other health standards. The effective date for this correction is August 15, 2005.

3) **Standard Improvement Project, Phase II; Final Rule**

The Safety and Health Codes Board adopted federal OSHA’s removal or revision of 40 health provisions in 23 OSHA standards in general industry, shipyard employment, and construction that were outdated, duplicative, unnecessary, or inconsistent, or could be clarified or simplified by being written in plain language. The effective date of Phase II of the Standards Improvement Project is August 15, 2005.